

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ALPHONSO MASON, et al.,

Plaintiff(s),

vs.

WELLS FARGO BANK, et al.,

Defendant(s).

Case No. 2:14-cv-01709-JCM-NJK

ORDER GRANTING IN PART AND  
DENYING IN PART MOTION TO  
STAY

(Docket No. 11)

Pending before the Court is Plaintiffs' motion to hold these proceedings in abeyance pending resolution of their motion to remand. Docket No. 11. In particular, Plaintiffs seek an order that, *inter alia*, Defendants' motion to dismiss be held in abeyance. *See id.* at 3. Defendants filed a notice of non-opposition. Docket No. 14. Despite the parties' apparent agreement that the case should be stayed until the motion to remand is decided,<sup>1</sup> the Court will only grant the motion in part.

The Court has broad discretion in supervising the pretrial phase of litigation. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992). In reviewing the docket, it appears unlikely to the

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<sup>1</sup> Defendants' position is puzzling. On November 18, 2014, Defendants responded to the motion to remand by indicating that removal was proper and, *inter alia*, "Defendants filed their motion to dismiss in this Court on October 23, 2014 (Doc. No. 4) and are hoping to speed this case to a quick resolution." Docket No. 13 at 4. Contrary to that assertion, on November 20, 2014, Defendants agreed that their motion to dismiss should not be resolved (or briefed) until after the motion to remand is decided. *See* Docket No. 14.

undersigned that Plaintiffs' motion to remand will be granted.<sup>2</sup> As a result, the Court finds that staying briefing and resolution of Defendants' motion to dismiss will likely result only in delay. *Cf. Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 583 (D. Nev. 2013). The Court will, however, otherwise **GRANT** the motion to stay proceedings. Accordingly, briefing on the motion to dismiss shall continue. To that end, the Court hereby **ORDERS** Plaintiffs to respond to the motion to dismiss no later than December 5, 2014.<sup>3</sup> Any reply shall be filed by Defendants no later than December 15, 2014. All other proceedings in this case (including discovery) will be **STAYED** pending resolution of the motions to remand and to dismiss.

IT IS SO ORDERED.

DATED: November 20, 2014



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NANCY J. KOPPE  
United States Magistrate Judge

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<sup>2</sup> The undersigned makes that assertion not to prejudice the outcome of the motion to remand, but to explain why the requested relief will likely lead to only a delay of proceedings. Moreover, the undersigned is cognizant that the assigned district judge (who will be deciding the motion to remand) may view the merits of that motion differently.

<sup>3</sup> The Court reminds Plaintiffs of the Court's order regarding the importance that they timely file a response to the motion to dismiss, issued on October 23, 2014. *See* Docket No. 6.